

7969-198

03/27/2008

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

MAR 27 2008

Attention: Khalid Akkari
BASF Corporation
P.O. Box 13528
26 Davis Drive
Research Triangle Park, NC 27709

Subject: Boscalid Technical
EPA Registration No. 7969-198
Your bundled label amendment, addresses: a new food use petition PP6E7164, for tropical fruit, product application dated November 8, 2006, and new use petition PP7F7169, for cotton, product application dated December 27, 2006, and a tolerance revision for Berry Crop Group 13A and 13B, and strawberry for petition 5F6986, product application dated August 31, 2005, and boscalid new-use petition for cotton, product application dated December 27, 2006, and ornamental new-use, product application dated July 26, 2006, and leafy greens/leafy petioles published in a prior rule that never were added to the Master Label,

Dear Dr. Akarri,

The amendment referred to above, submitted in connection with registration under FIFRA, sec. 3(c)(7)(B), has been reviewed and is acceptable provided that you comply with the terms and conditions specified herein. A copy of the label stamped "Accepted with Comments" is included for your records.

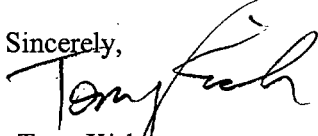
1. By March 27, 2010, submit boscalid data satisfying the following deficiencies which regard outstanding deficiencies/issues from earlier petitions (DP#: 278385, M. Nelson, 8/15/2003) that must still be addressed.
 - 1a. Submission of radiovalidation data demonstrating the efficiency of the hydrolysis step in the proposed tolerance enforcement method (DFG S19) for livestock matrices. These radiovalidation data will also be used in support of the data collection method (471/0) for livestock matrices.

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- 1b. Submission of radiovalidation data demonstrating the efficiency of the microwave hydrolysis step in Method 476/0, which determines bound residues of boscalid in milk and liver
- 1c. Data are required demonstrating the frozen storage stability of boscalid residues in processed grape juice (2 months).
- 2. By March 27, 2010, submit boscalid data (use TGAI) satisfying Tier II terrestrial plant toxicity studies to include, Seed germination/Seedling emergence (123-1); Vegetative vigor (123-1); and Aquatic plant growth (123-1).

These data will reduce uncertainties associated with the potential boscalid risks terrestrial plants. Terrestrial plant toxicity studies (seedling emergence and vegetative vigor) are required for pesticides that have terrestrial use patterns and/or may move off of the application site via drift or volatilization. For boscalid, only Tier I vegetative vigor and seedling emergence studies are available. Results for the vegetative vigor and seedling emergence studies indicated that none of the tested plant species exhibited effects greater than a 25% difference compared to controls. However, tomato plants showed a 24.1% reduction and a 22.7% reduction in shoot weight in the seedling emergence and vegetative vigor studies, respectively. The resulting EC₂₅ for both seedling emergence and vegetative vigor was higher than the highest (and only) tested concentration of 0.55 lb a.i./A. The Tier I plant studies were classified SUPPLEMENTAL because the only tested concentration (0.55 lb a.i./A) is lower than the highest maximum seasonal rate for boscalid. It is likely that at a higher exposure level, an EC₂₅ may be reached, particularly for tomato plants. In absence of suitable Tier II plant toxicity data, risks to terrestrial plants are presumed for the proposed new uses of boscalid, except for the drench and dip ornamental treatment where exposure to terrestrial plants is unlikely.

If you have any questions, please contact Bryant Crowe by phone at (703) 305-0025 or via email at crowe.bryant@epa.gov.

Sincerely,

Tony Kish
Product Manager, Team 22
Fungicide Branch
Registration Division (7505P)

Enclosures



ACCEPTED
with COMMENTS
In EPA Letter Dated
MAR 27 2008

The Chemical Company

Under the Federal Insecticide,
Fungicide, and Rodenticide Act
as amended, for the pesticide
registered under EPA Reg. No.
7969-198

BOSCALID

Technical

A technical product for use in fungicide formulations.

Active Ingredient:

3-pyridinecarboxamide, 2-chloro-N-(4'-chloro[1,1'-
biphenyl]-2-yl) 99.0%

Other Ingredients: 1.0%

Total 100.0%

EPA Reg. No. 7969-198

EPA Est. No. 7969-BRA-001

KEEP OUT OF REACH OF CHILDREN

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

Caution

Harmful if absorbed through skin. Avoid contact with skin, eyes or clothing. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco.

Environmental Hazards

Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans or other waters unless in accordance with the requirements of a National Pollutant Discharge Elimination System (NPDES) permit and the permitting authority has been notified in writing prior to discharge. Do not discharge effluent containing this product to sewer systems without previously notifying the local sewage treatment plant authority. For guidance, contact your State Water Board or Regional Office of the Environmental Protection Agency.

Net Contents: _____

BASF Corporation
26 Davis Drive, Research Triangle Park, NC 27709

| FIRST AID | |
|--|--|
| If on skin or clothing | -Take off contaminated clothing. -Rinse skin immediately with plenty of water for 15-20 minutes. -Call a poison control center or doctor for treatment advice. |
| If in eyes | -Hold eye open and rinse slowly and gently with water for 15-20 minutes. -Remove contact lenses, if present, after first 5 minutes, then continue rinsing eye. -Call a poison control center or doctor for treatment advice. |
| If swallowed | -Call a poison control center or doctor immediately for treatment advice. -Have person sip a glass of water if able to swallow. -Do not induce vomiting unless told to do so by a poison control center or doctor. -Do not give anything by mouth to an unconscious person. |
| If inhaled | -Move person to fresh air. -If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth, if possible. -Call a poison control center or doctor for treatment advice. |
| HOT LINE NUMBER | |
| Have the product container or label with you when calling a poison control center or doctor or going for treatment. You may also contact BASF Corporation for emergency medical treatment information: 1-800-832-HELP (4357) | |

Directions For Use

It is a violation of federal law to use this product inconsistent with its labeling. Only for formulation into fungicides for use on dry and succulent beans, berries, head and stem brassicas, leafy brassica greens, bulb vegetables, canola, carrots, celery, cotton, cucurbit vegetables, fruiting vegetables, grapes, hops, leafy greens, leafy petioles, lettuce, peanuts, succulent and dried shelled peas, pistachios, pomefruits, potatoes, root and tuber vegetables, seed treatments, soybean, spinach, stone fruits, strawberries, sunflowers, tree nuts, tropical fruits, turf, and ornamentals. This product may be used to formulate products for any additional uses not listed on the Technical label if the formulator, user group, or grower has complied with U.S. EPA data submission requirements regarding the support of such uses.

Storage and Disposal

DO NOT contaminate water, food, or feed by storage or disposal.

Pesticide Storage: Store in a cool, dry place.

Pesticide Disposal: Wastes resulting from using this product may be disposed of on site or at an approved waste disposal facility. If these wastes cannot be disposed of according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

Container Disposal: (Supersack): Nonrefillable Container: DO NOT reuse or refill this container. Completely empty bag into application equipment; then dispose of empty bag in a sanitary landfill or by incineration, or by other procedures approved by state and local authorities.

In Case of Emergency

In case of large-scale spillage regarding this product, call:

CHEMTRAC.....800-424-9300

BASF Corp.....800-832-HELP

In case of medical emergency regarding this product, call:

1. Your local doctor for immediate treatment.

2. Your local poison control center (hospital).

3. BASF Corporation 800-832-HELP

Steps to be taken in case material is released or spilled: Wear an approved respirator for this product to prevent inhalation. Dike and contain spill with inert material (sand, earth, etc.) and transfer liquid and solid material to separate labeled containers for disposal. Remove contaminated clothing and wash affected skin areas with water. Wash clothing before reuse. Keep spill out of all sewers and open bodies of water.

Conditions of Sale and Warranty

BASF warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes referred to in the Directions For Use, subject to the inherent risks, referred to above. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BASF MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF FITNESS OR MERCHANTABILITY OR ANY OTHER EXPRESS OR IMPLIED WARRANTY. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BUYER'S EXCLUSIVE REMEDY AND BASF'S EXCLUSIVE LIABILITY, WHETHER IN CONTRACT, TORT, NEGLIGENCE, STRICT LIABILITY, OR OTHERWISE, SHALL BE LIMITED TO REPAYMENT OF THE PURCHASE PRICE OF THE PRODUCT. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BASF AND THE SELLER DISCLAIM ANY LIABILITY FOR CONSEQUENTIAL, SPECIAL OR INDIRECT DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT. BASF and the Seller offer this product, and the Buyer and User accept it, subject to the foregoing Conditions of Sale and Warranty which may be varied only by agreement in writing signed by a duly authorized representative of BASF.